

// A special meeting of the Council of the City of Lynchburg, recessed from February 11, was held on the 25th day of February, 2003, at 1:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Absent:

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// Financial Services Director Mike Hill presented an overview of information gathered from a Financial Trend Monitoring System (FTMS), as contained in a February 20 report previously furnished to City Council. Mr. Hill explained that development of the FTMS for the City is very timely with the annual budget deliberations that will follow over the next several weeks. Mr. Hill went on to say that the budget deliberations might be enhanced with a general understanding of the City's financial trends.

// Human Resources Director Margaret Schmitt provided an overview regarding current workforce indicators and the results of the 2002 Market Study in addition to the financial status of the medical plan, as contained in a report previously furnished to City Council. Ms. Schmitt noted that experience thus far indicates that the medical plan is tracking as expected.

// Utilities Director Stephen Bontrager provided information regarding implementation of a Water System Backflow Prevention Program, which is required as a condition for the issuance and continued use of the State operation permit issued to the City of Lynchburg waterworks. Mr. Bontrager stated that the purpose of the program is to maintain the integrity of the water system to deliver potable water by preventing the backflow of delivered water back to the distribution system, which may be contaminated and rendered unfit as potable water. Mr. Bontrager informed City Council that the next step would be for staff to develop details of a program, including proposed changes to the City Code, that meet the requirements of the Virginia Department of Health, Waterworks Regulations, for subsequent consideration by City Council.

// Mr. Paul Cumiskey, of P. J. Sun, LLC, presented an overview regarding the February 2003 Water and Sewer Rate Study, noting that the proposed rate adjustments would result in composite monthly water and sewer bill increases of approximately 5.5% for most customers, and will range from 9% to 11% for large commercial and industrial customers. Mr. Cumiskey explained that the rate adjustments are designed to provide sufficient revenues in the Water and Sewer Funds to cover FY 2004 operating expenses and to meet the debt coverage and fund balance targets established by City Council. Following discussion, it was noted that a public hearing regarding these proposed water and sewer rate increases would be scheduled for the March 11 meeting.

// Mr. Doug Moseley, representing AMEC Earth & Environmental, Inc., the firm contracted to develop an action plan for City compliance with the Phase II stormwater regulations under the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System, provided an overview regarding development of a Stormwater Management Program for Lynchburg. Mr. Moseley explained that the development effort requires a comprehensive evaluation of the City's current services and stormwater programming, and a determination of what existing activities may meet the regulatory requirements. Mr.

Moseley went on to say that the City will also need an assessment of strategies and Best Management Practices to fill in any identified programmatic gaps, a determination of cost impacts and budget demands, and program implementation.

// Administrative and Grants Coordinator Melva Walker provided a written status report regarding all active Community Development Block Grant and HOME Program projects.

// Municipal staff along with a representative from Bizzell Design, Inc., provided an overview regarding gateway signs, expressway signs and "way-finding" signs for use throughout the downtown and riverfront areas.

// Fire Chief Buddy Martinette, Battalion Chief Walter Bailey, along with Lynchburg Life Saving Crew (LLSC) Chief Grant Azdell provided an overview of the recommendations from the Lynchburg Fire & EMS Department/Lynchburg Life Saving Crew Integration Commission regarding integration of the physical and personnel resources of the LLSC into the various operations of the Lynchburg Fire Department under common protocols and certification standards. Battalion Chief Bailey explained that LLSC's primary mission of rescue would shift from rescue delivery to EMS delivery, and that beginning March 1, 2003, LLSC will begin to handle first due EMS calls in a predetermined response zone.

// Due to time constraints, Vice Mayor Dodson asked that the Workplace Violence Policy be rescheduled for discussion at the March 25 work session.

// During roll call, Council Members complimented the snow removal personnel on their recent efforts in clearing the streets. Council Member Adams asked that staff write a letter to the Department of Game and Inland Fisheries regarding proposed changes in the hunting regulations, especially as they apply in urban areas. Council Members Adams and Foster asked that information be distributed to the public regarding upcoming changes in the solid waste management system. Council Member Foster asked staff to investigate the possibility of installing a "green arrow" turning light in the traffic signal at the intersection of Memorial and Park Avenues to facilitate turning left from Memorial Avenue onto Park Avenue in front of the Jones Memorial Library. Vice Mayor Dodson suggested that Council forward a resolution to the Governor regarding HB1678, adopted by the 2003 Session of the General Assembly regarding rental inspection programs, and on motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-039, asking that Governor Mark Warner to either veto House Bill 1678 or propose an amendment to require reenactment by the General Assembly in 2004 or propose an amendment to grandfather rental inspection programs in place prior to March 1, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// The meeting was adjourned at 4:55 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of February, 2003, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the February 11, 2003 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R-03-022 appropriating \$9,819, fully reimbursable, for ongoing litter control and recycling activities for FY 2003, laid over from the February 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Refuse, Resolution #R-03-023 appropriating \$23,415 for the refuse collection and recycling gainsharing contracts, and appropriating \$10,035 for employee compensation earned during FY 2002, laid over from the February 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Library - General, Resolution #R-03-024 appropriating \$2,500, fully reimbursable, to support the Lynchburg Public Library's reading program, "Lynchburg Reads THE COLOR OF WATER," laid over from the February 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-03-025 appropriating \$10,000, fully reimbursable, for the Police Department to participate in a highway safety grant program, laid over from the February 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, Resolution #R-03-026 appropriating \$21,504, with \$10,752 reimbursement, to purchase six (6) Zoll fully automatic defibrillators, laid over from the February 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, Resolution #R-03-027 appropriating \$50,000 from the PIER Fund undesignated fund balance to the FY 2003 PIER (PIER) Program Operating Budget, laid over from the February 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code/Community Planning - General, Resolution #R-03-033 appropriating \$32,465, fully reimbursable, to fund wages/benefits and office operation expenses for employment of a Plans Reviewer position through June 30, 2003, laid over from the February 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// City Council recognized and Police Chief Chuck Bennett and Fire Chief Buddy Martinette presented certificates to 70 public safety employees who recently participated in a joint Police and Fire Leadership Training series.

// In the matter of Internal Audit, a representative of Cherry, Bekaert & Holland presented the City's Comprehensive Annual Financial Report for the fiscal year ending June 30, 2002, noting that the general purpose financial statements present fairly, in all material respects, the financial position of the City as of June 30, 2002.

// In the matter of Public Works - Refuse, Solid Waste Director Dave Owen presented a request from the Lynchburg Elks Lodge to waive the City's landfill disposal fees for waste generated at the Clyde Beatie/Cole Brothers Circus scheduled for Spring 2003. Council Member Seiffert stated that although he is a member of the Elks Lodge, he believes that he is able to participate in this matter fairly, objectively and in the public interest. Mr. Owen mentioned that during the past few years, several organizations have requested landfill disposal waivers, and that the Physical Development Committee has consistently denied those requests. Several Council Members commented that to approve this request would be setting a precedent for future requests. Council Member Foster stated that non-profit organizations contribute to the quality of life in our community, and that Council may want to consider offering a yearly one free landfill disposal trip to non-profits. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote denied the request from the Lynchburg Elks Lodge to

waive landfill disposal fees for waste generated at the Clyde Beatie/Cole Brothers Circus scheduled for Spring 2003:

Ayes: Adams, Barksdale, Dodson, Garber, Seiffert, Hutcherson 6

Noes: Foster 1

// In the matter of Community Planning - General, City Council Report #11 regarding a letter of support for the application of Lynchburg United Methodist Housing L.P. for Low Income Housing Tax Credits for the acquisition and rehabilitation of the Meadowbrook Apartments complex was considered. Mayor Hutcherson stated that although he is a pastor of a United Methodist Church, he believes that he is able to participate in this matter fairly, objectively and in the public interest. Council Member Adams stated that although he is a member of a Methodist Church, he believes that he is able to participate in this matter fairly, objectively and in the public interest. City Manager Kimball Payne outlined the request, explaining that the project already has a HUD Section 8 contract and that the planned rehabilitation would improve the quality of the project. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote authorized the City Manager to execute a letter of support for the application of Lynchburg United Methodist Housing L.P. for Low Income Housing Tax Credits for the acquisition and rehabilitation of the Meadowbrook Apartments complex:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #12 was considered. City Assessor Greg Daniels outlined the request. Council suggested an April 1 implementation date to allow time for citizens who are already working on their applications to be considered under the current program. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-03-040, as amended, amending Section 36-177 of the City Code relating to the City's Rehabilitation Program for Residential, Commercial and Industrial Real Estate, to become effective on applications received after April 1, 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R-03-021 appropriating \$3,000 to Citizens for a Clean Lynchburg, Inc., for the continuation and expansion of litter control and recycling activities, laid over from the February 11, 2003 meeting, was again presented and read, and on motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote elected to hold a closed meeting regarding the disposition of publicly held properties because discussion in an open meeting would adversely affect the bargaining position or

negotiating strategy of the City, and for consultation with legal counsel concerning a specific legal matter regarding the sale and rezoning of the Ericsson property which requires the provision of legal advice as permitted by Section 2.2-3711(A) (3) and (7), respectively, of the Code of Virginia, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// Council Member Seiffert left the meeting at 6:00 p.m. during closed session.

// The meeting was re-opened to the public.

// Council Member Adams made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Foster, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson

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Noes:

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Absent: Seiffert

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// Following return to the open meeting, City Attorney Walter Erwin presented information regarding a settlement offer in a potential lawsuit for an incident that happened in March 2001. City Council expressed no interest in accepting the settlement offer. City Manager Kimball Payne announced that the Schools have requested a joint City Council/School Board meeting to discuss the budget. Mr. Payne explained that the FY2004 Budget is to be released on Friday, and with Council's consensus, he would notify Dr. McCormick that there is no time available for a joint meeting prior to the FY2004 Budget being released.
// The meeting was recessed at 6:55 P.M. to March 4, at 2:00 P.M. to conduct a work session regarding the FY2004 Budget.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from February 25, was held on the 4th day of March, 2003, at 2:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to receive an overview of the Proposed FY 2004 Operating Budget and to begin staff presentations regarding the Proposed FY 2004 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Following an overview by City Manager Kimball Payne of the Proposed FY 2004 Operating Budget, municipal staff presented individual budget presentations, i.e., Council Manager Offices, Budget Office, City Assessor, City Attorney, Commissioner of the Revenue, Communications and Marketing, Financial Services, Human Resources, Information Technology, Internal Audit, Registrar/Electoral Board, and State Treasurer. Deputy City Manager Bonnie Svrcek explained that staff would keep a list of those items to be discussed at more detail by City Council prior to finalizing the budget.

// The meeting was recessed at 4:38 p.m. to March 11, at 2:00 p.m., to continue individual budget presentations.

Clerk of Council